

104TH CONGRESS
2D SESSION

H. R. 3062

To authorize the States to assist the Attorney General in performing functions under the Immigration and Nationality Act relating to deportation of aliens.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 1996

Mr. COX of California (for himself and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize the States to assist the Attorney General in performing functions under the Immigration and Nationality Act relating to deportation of aliens.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ACCEPTANCE OF STATE SERVICES TO CARRY**
4 **OUT DEPORTATION FUNCTIONS.**

5 Section 287 of the Immigration and Nationality Act
6 (8 U.S.C. 1357) is amended by adding at the end the fol-
7 lowing:

8 “(g)(1) Notwithstanding section 1342 of title 31,
9 United States, Code, the Attorney General may enter into
10 a written agreement with a State, or any political subdivi-

1 sion of a State, pursuant to which an officer or employee
2 of the State or subdivision, who is determined by the At-
3 torney General to be qualified to perform a function of
4 an immigration officer, or any other officer of the Depart-
5 ment of Justice, under this Act in relation to deportation
6 of aliens in the United States (including investigation, ap-
7 prehension, detention, presentation of evidence on behalf
8 of the United States in administrative proceedings to de-
9 termine the deportability of any alien, conduct of such pro-
10 ceedings, or removal of aliens with respect to whom a final
11 order of deportation has been rendered) may carry out
12 such function at the expense of the State or political sub-
13 division and to the extent consistent with State and local
14 law.

15 “(2) An agreement under this subsection shall re-
16 quire that an officer or employee of a State or political
17 subdivision of a State performing a function under the
18 agreement shall have knowledge of, and adhere to, Federal
19 law relating to the function.

20 “(3) In performing a function under this subsection,
21 an officer or employee of a State or political subdivision
22 of a State shall be subject to the direction and supervision
23 of the Attorney General.

24 “(4) In performing a function under this subsection,
25 an officer or employee of a State or political subdivision

1 of a State may use Federal property or facilities, as pro-
2 vided in a written agreement between the Attorney Gen-
3 eral and the State or subdivision.

4 “(5) With respect to each officer or employee of a
5 State or political subdivision who is authorized to perform
6 a function under this subsection, the specific powers and
7 duties that may be, or are required to be, exercised or
8 performed by the individual, the duration of the authority
9 of the individual, and the position of the agent of the At-
10 torney General who is required to supervise and direct the
11 individual, shall be set forth in a written agreement be-
12 tween the Attorney General and the State or political sub-
13 division.

14 “(6) The Attorney General may not accept a service
15 under this subsection if the service will be used to displace
16 any Federal employee.

17 “(7) Except as provided in paragraph (8), an officer
18 or employee of a State or political subdivision of a State
19 performing functions under this subsection shall not be
20 treated as a Federal employee for any purpose other than
21 for purposes of chapter 81 of title 5, United States Code,
22 (relating to compensation for injury) and sections 2671
23 through 2680 of title 28, United States Code, (relating
24 to tort claims).

1 “(8) An officer or employee of a State or political
2 subdivision of a State acting under color of authority
3 under this subsection, or any agreement entered into
4 under this subsection, shall be considered to be acting
5 under color of Federal authority for purposes of determin-
6 ing the liability, and immunity from suit, of the officer
7 or employee in a civil action brought under Federal or
8 State law.

9 “(9) Nothing in this subsection shall be construed to
10 require any State or political subdivision of a State to
11 enter into an agreement with the Attorney General under
12 this subsection.

13 “(10) Nothing in this subsection shall be construed
14 to require an agreement under this subsection in order for
15 any officer or employee of a State or political subdivision
16 of a State—

17 “(A) to communicate with the Attorney General
18 regarding the immigration status of any individual,
19 including reporting a suspicion that a particular
20 alien is not lawfully present in the United States; or

21 “(B) otherwise to cooperate with the Attorney
22 General in the identification, apprehension, deten-
23 tion, or removal of aliens not lawfully present in the
24 United States.”.

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